

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

Michael J. Murdock,)C/A No. 5:21-mc-0008-CMC
)
Plaintiff,)
)
v.)
)
Commissioner of Social Security)
Administration,)
)
Defendant.)
)

OPINION & ORDER

This matter is before the court on Plaintiff's *pro se* letter requesting "permission for extra time so that I may find a lawyer to represent me for my Federal Case in my appeal" against the Social Security Administration. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(a), DSC, this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial proceedings.

On January 19, 2021, the Magistrate Judge entered an Order and Notice to Plaintiff, directing him to the CFR section regarding extensions to file an action in this court, noting Plaintiff failed to provide sufficient information for initial review of a social security appeal, and permitting him until February 9, 2021 to file an Amended Complaint. ECF No. 6. No response to this Order was received.

On February 19, 2021, the Magistrate Judge issued a Report and Recommendation ("Report") recommending the Complaint be dismissed for failure to prosecute. ECF No. 10. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the

Report and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.¹

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

¹ The Report has not been returned to the court as undeliverable.

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. This action is dismissed without prejudice and without issuance and service of process for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
March 15, 2021